

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MARK I. SOKOLOW, *et al.*,

Plaintiffs,

vs.

THE PALESTINE LIBERATION
ORGANIZATION, *et al.*,

Defendants.

No. 04 Civ. 00397 (GBD) (RLE)

DECLARATION OF KENT A. YALOWITZ
IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
AND TO DEFENDANTS' MOTION IN LIMINE

KENT A. YALOWITZ hereby declares:

1. I am a member of the bar of this Court and of the law firm of Arnold & Porter LLP, counsel for the plaintiffs in the above-captioned action. I make this declaration to place before the Court evidence that is material to defendants' motion for summary judgment and other matters now pending:

Selected Trial Exhibits	Exhibit A
Expert Reports and Testimony	Exhibit B
Fact Witness Depositions	Exhibit C
Other Documents	Exhibit D

Exhibit A: Trial Exhibits

2. Accompanying this Declaration (on DVD as Exhibit A) are true and correct copies of plaintiffs' trial exhibits that are cited in (a) Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, (b) Plaintiffs' Response to Defendants' Rule 56.1 Statement, (c) Plaintiffs' Opposition to Defendants' Motion in Limine, and (d) my letter to the Court of

even date herewith. The trial exhibits within Exhibit A are listed on the attached index, which describes each such trial exhibit and states plaintiffs' bases for overcoming defendants' authenticity and hearsay objections.

Exhibit B: Expert Reports and Testimony

3. Accompanying the Declaration (on DVD as Exhibit B) are true and correct copies of the following Expert Materials that are cited in (a) Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, (b) Plaintiffs' Response to Defendants' Rule 56.1 Statement, and (c) Plaintiffs' Opposition to Defendants' Motion in Limine:

Plaintiffs' Experts

Addicott, Jeffrey

	<u>Exhibit</u>
Declaration, dated May 27, 2014.	B.1
Expert Report, dated March 22, 2013.	B.2
Curriculum Vitae and Related Materials.	B.3
Expert Rebuttal Report, signed on September 13, 2013.	B.4
Deposition Transcript, dated October 2, 2013.	B.5

Eviatar, Alon

Declaration, dated June 1, 2014.	B.6
Expert Report, dated June 14, 2013.	B.7
Expert Rebuttal Report, dated September 16, 2013.	B.8
Deposition Transcript, dated October 22, 2013.	B.9

Karsh, Efraim

Declaration, dated May 28, 2014.	B.10
Expert Report, dated March 20, 2013.	B.11
Curriculum Vitae and Related Materials.	B.12
Deposition Transcript, dated October 15, 2013.	B.13

Kaufman, Nick

Declaration, dated May 31, 2014.	B.14
Expert Report, dated April 10, 2013.	B.15
Corrections to Expert Report, dated September 16, 2013.	B.16

Curriculum Vitae.	B.17
Expert Rebuttal Report, dated September 16, 2013.	B.18
Deposition Transcript, dated October 20, 2013.	B.19

Levitt, Matthew

Expert Report, dated March 22, 2013.	B.20
Curriculum Vitae.	B.21
Deposition Transcript Vol. I, dated September 24, 2013.	B.22
Deposition Transcript Vol. II, dated September 25, 2013.	B.23

Marcus, Itamar

Declaration, dated June 2, 2014.	B.24
Expert Report, dated March 22, 2013.	B.25
Publications.	B.26
Expert Rebuttal Report, dated September 16, 2013.	B.27
Deposition Transcript, dated November 7, 2013.	B.28

Shrenzel, Israel

Declaration, dated June 1, 2014.	B.29
Expert Report, dated April 10, 2013.	B.30
Deposition Transcript, dated October 23, 2013.	B.31

Friedman, Alan

Declaration, dated June 2, 2014.	B.32
Expert Report on Alan Bauer, dated March 15, 2013.	B.33
Expert Report on Yehonatan Bauer, dated March 15, 2013.	B.34
Expert Report on Shayna Gould (Elliott), dated March 20, 2013.	B.35
Expert Report on Oz Guetta, dated March 15, 2013.	B.36
Expert Report on Shaul Mandelkorn, dated March 15, 2013.	B.37
Expert Report on Jamie Sokolow, dated March 15, 2013.	B.38
Expert Report on Lauren Sokolow, dated March 15, 2013.	B.39
Expert Report on Mark Sokolow, dated March 15, 2013.	B.40
Expert Report on Rena Sokolow, dated March 15, 2013.	B.41
Expert Report on Shmuel Waldman, dated March 17, 2013.	B.42
Addendum to Expert Report on Rena Sokolow, dated September 3, 2013.	B.43
Curriculum Vitae.	B.44

Newton, Michael

Declaration, dated May 31, 2014. B.45
Expert Rebuttal Report, dated September 16, 2013. B.46
Curriculum Vitae and Publications. B.47

Reisner, Daniel

Declaration, dated June 1, 2014. B.48
Expert Rebuttal Report, dated September 16, 2013. B.49
Curriculum Vitae. B.50

Shnoor, Boaz

Declaration, dated May 31, 2014. B.51
Expert Rebuttal Report, dated September 16, 2013. B.52
Curriculum Vitae. B.53

Soudry, Michael

Declaration, dated June 2, 2014. B.54
Corrected Expert Report on Benjamin Blutstein, dated April 16, 2013. B.55
Expert Report on Benjamin Blutstein, dated May 2, 2013. B.56
Expert Report on Diane Carter, dated May 2, 2013. B.57
Expert Report on Janis Coulter, dated May 2, 2013. B.58
Expert Report on Shayna Gould (Elliott), dated May 2, 2013. B.59
Curriculum Vitae and Related Materials. B.60
Supplemental Report, dated November 1, 2013. B.61
Expert Rebuttal Report, dated September 16, 2013. B.62

Strous, Rael

Declaration, dated June 3, 2014. B.63
Expert Report on Katherine Baker (Blutstein), dated March 20, 2013, with Psychiatric Evaluation dated March 5, 2013. B.64
Expert Report on Rebekah (Rivka) Blutstein, dated March 20, 2013, with Psychiatric Evaluation dated March 11, 2013. B.65
Expert Report on Richard Blutstein, dated March 20, 2013, with Psychiatric Evaluation dated March 10, 2013. B.66
Expert Report on Larry Carter, dated March 20, 2013, with Psychiatric Evaluation dated March 4, 2013. B.67

Expert Report on Robert Coulter, Sr., dated March 20, 2013, with Psychiatric Evaluation dated March 15, 2013.	B.68
Expert Report on Chana Goldberg, dated March 20, 2013, with Psychiatric Evaluation dated March 10, 2013.	B.69
Expert Report on Eliezer Goldberg, dated March 20, 2013, with Psychiatric Evaluation dated March 9, 2013.	B.70
Expert Report on Ester Goldberg, dated March 20, 2013, with Psychiatric Evaluation dated March 13, 2013.	B.71
Expert Report on Shifra (Karen) Goldberg, dated March 20, 2013, with Psychiatric Evaluation dated March 10, 2013.	B.72
Expert Report on Shoshana Goldberg, dated March 20, 2013, with Psychiatric Evaluation dated March 10, 2013.	B.73
Expert Report on Yaakov Goldberg, dated March 20, 2013, with Psychiatric Evaluation dated March 10, 2013.	B.74
Expert Report on Yitzhak Goldberg, dated March 20, 2013, with Psychiatric Evaluation dated March 10, 2013.	B.75
Expert Report on Zvi Yehoshua Goldberg, dated March 20, 2013, with Psychiatric Evaluation dated March 13, 2013.	B.76
Expert Report on Elise Janet Gould, dated March 20, 2013, with Psychiatric Evaluation dated March 4, 2013.	B.77
Expert Report on Shayna (Elliott) Gould, dated March 20, 2013, with Psychiatric Evaluation dated March 4, 2013.	B.78
Expert Report on Nevenka Gritz, dated March 20, 2013, with Psychiatric Evaluation dated March 15, 2013.	B.79
Expert Report on Oz Guetta, dated March 20, 2013, with Psychiatric Evaluation dated March 11, 2013.	B.80
Expert Report on Varda Guetta, dated March 20, 2013, with Psychiatric Evaluation dated March 5, 2013.	B.81
Expert Report on Leonard Mandelkorn, dated March 20, 2013, with Psychiatric Evaluation dated March 3, 2013.	B.82
Expert Report on Nurit Mandelkorn, dated March 20, 2013, with Psychiatric Evaluation dated March 3, 2013.	B.83
Expert Report on Shaul Mandelkorn, dated March 20, 2013, with Psychiatric Evaluation dated March 3, 2013.	B.84
Expert Report on Dianne (Coulter) Miller, dated March 20, 2013, with Psychiatric Evaluation dated March 13, 2013.	B.85
Expert Report on Elena (Rosman) Sokolow, dated March 20, 2013,	B.86

with Psychiatric Evaluation dated March 4, 2013.

Expert Report on Jamie Sokolow, dated March 20, 2013, with
Psychiatric Evaluation dated March 3, 2013. B.87

Expert Report on Lauren Sokolow, dated March 20, 2013, with
Psychiatric Evaluation dated March 3, 2013. B.88

Expert Report on Mark Sokolow, dated March 20, 2013, with
Psychiatric Evaluation dated March 4, 2013. B.89

Expert Report on Rena Sokolow, dated March 20, 2013, with
Psychiatric Evaluation dated March 4, 2013. B.90

Expert Report on Shmuel Waldman, dated March 20, 2013, with
Psychiatric Evaluation dated March 13, 2013. B.91

Corrected Expert Report on Leonard Mandelkorn, dated April 18,
2013. B.92

Curriculum Vitae and Related Materials. B.93

Expert Rebuttal Report, dated August 29, 2013. B.94

Weinstein, Dov

Declaration, dated June 2, 2014. B.95

Expert Report on Shifra (Karen) Goldberg, undated. B.96

Expert Report on Stuart Scott Goldberg, undated. B.97

Expert Report on David Gritz, undated. B.98

Expert Report on Varda Guetta, undated. B.99

Expert Report on Shaul Mandelkorn, undated. B.100

Amended Expert Report on Varda Guetta, undated. B.101

Amended Expert Report on Shaul Mandelkorn, undated. B.102

Amended Expert Report on Stuart Scott Goldberg, dated October
9, 2013. B.103

Amended Expert Report on David Gritz, dated October 9, 2013. B.104

Curriculum Vitae and Related Materials. B.105

Defendants' Experts

Allen, Lori: Deposition dated November 19, 2013. B.106

Dahleh, Muhammad: Deposition dated October 21, 2013. B.107

Dahleh, Muhammad: Expert Report dated July 15, 2013. B.108

Quigley, John: Deposition dated October 10, 2013. B.109

Robinson, Glenn: Deposition dated October 29, 2013. B.110

Sfard, Michael: Deposition dated October 24, 2013. B.111

Shehadeh, Raja: Deposition dated October 13, 2013. B.112

Weil, Sharon: Deposition dated November 22, 2013.	B.113
Wells, Gary: Deposition dated October 30, 2013.	B.114

Exhibit C: Fact Witness Depositions

4. Accompanying this Declaration (on DVD as Exhibit C) are true and correct copies of the following Deposition Transcripts of fact witnesses:

	<u>Exhibit</u>
Bauer, Alan, dated August 1, 2012.	C.1
Bauer, Alan, dated August 2, 2012.	C.2
Bauer, Revital, dated August 2, 2012.	C.3
Bauer, Yehonathan, dated August 2, 2012.	C.4
Baker (Blutstein), Katherine, dated July 12, 2012.	C.5
Blutstein, Richard, dated July 12, 2012.	C.6
Carter, Larry, dated July 10, 2012.	C.7
Choffel, Shaun, dated July 9, 2012.	C.8
Coulter, Robert Sr., dated December 13, 2012.	C.9
Coulter, Robert Jr., dated September 23, 2012.	C.10
Faraj, Majed, dated June 17, 2010 in the case of <i>Estate of Esther Klieman, et al. v. The Palestinian Authority, et al</i> , Case No. 04-1173 (PLF) (JMF).	C.11
Fayyad, Salam, dated March 9, 2010 in the case of <i>Saperstein, et al. v. The Palestinian Authority</i> , Case No. 04-20225-CIV.	C.12
Goldberg, Chana, dated October 14, 2012.	C.13
Goldberg, Esther, dated October 15, 2012.	C.14
Goldberg, Shifra, dated October 14, 2012.	C.15
Goldberg, Yaakov Moshe, dated October 16, 2012.	C.16
Goldberg, Yitzhak, dated October 15, 2012.	C.17
Gould, Elise Janet, dated June 28, 2012.	C.18
Gould, Ron, dated July 11, 2012.	C.19
Gould, Shayna (Elliott), dated July 11, 2012.	C.20
Gritz, Nevenka, dated October 17, 2012.	C.21
Guetta, Oz, dated August 3, 2012.	C.22
Guetta, Varda, dated March 18, 2007 in the case of <i>Linde, et al. v.</i>	C.23

Arab Bank, PLC, CV 04-2799.

Guetta, Varda, dated June 27, 2012.	C.24
Guetta, Varda, dated May 7, 2013.	C.25
Mandelkorn, Leonard, dated December 12, 2012.	C.26
Mandelkorn, Nurit, dated December 12, 2012.	C.27
Mandelkorn, Shaul, dated December 13, 2012.	C.28
Miller (Coulter), Diane, dated September 23, 2012.	C.29
Rine, Jessica, dated July 10, 2012.	C.30
Shaqbu'a, Yasser, dated September 12, 2012 in the case of <i>Shatsky v. The Syrian Arab Republic, et al.</i> , No. 02-cv-02280.	C.31
al Sheikh, Hussein, dated April 1, 2009 in the case <i>Saperstein v.</i> <i>The Palestinian Authority</i> , No. 04-cv-20225.	C.32
Sokolow, Elena, dated October 3, 2012.	C.33
Sokolow, Lauren, dated September 4, 2012.	C.34
Sokolow, Jamie, dated September 5, 2012.	C.35
Sokolow, Mark, dated September 4, 2012.	C.36
Sokolow, Rena, dated September 4, 2012.	C.37
Waldman, Eva, dated July 30, 2012.	C.38
Waldman, Henna, dated July 31, 2012.	C.39
Waldman, Morris, dated July 30, 2012.	C.40
Waldman, Shmuel, dated July 31, 2012.	C.41
Waldman, Shmuel, dated August 1, 2012.	C.42
Yousef, Mosaab Hassan, dated January 10, 2012.	C.43

Exhibit D: Other Documents

5. Accompanying this Declaration (on DVD as Exhibit D) are true and correct copies of the following documents:

	<u>Exhibit</u>
Amended Joint Proposed Schedule, DE 325 from <i>Saperstein v. PA</i> , Civ. No. 04-20225.	D.1
Death Certificate of Scott Goldberg, dated February 19, 2004.	D.2
Declaration of Tawfiq Tirawi, dated March 26, 2014.	D.3
Defendants' Objections and Responses to Pls' First Request for Admissions to Defs (Sokolow Pls.) dated December 21, 2012.	D.4

Email from Tolchin to Hill, dated July 6, 2012.	D.5
Email from Tolchin to Hibey, dated February 19, 2013.	D.6
Email from Weiser to Hill, dated May 3, 2013.	D.7
Hearing Transcript, dated November 20, 2012.	D.8
Letter from Tolchin to Judge Ellis, dated November 19, 2012.	D.9
Letter from Yalowitz to Judge Ellis, dated Jun 13, 2013.	D.10
Letters of Administration for the following decedents:	
Benjamin Thomas Blutstein.	D.11
Diane Leslie Carter.	D.12
Janis Ruth Coulter.	D.13
David Gritz.	D.14

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
June 6, 2014



Kent A. Yalowitz